



***United States Attorney
District of New Jersey***

FOR IMMEDIATE RELEASE

June 2, 2010

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**ORGANIZER OF CONSPIRACY TO STEAL \$241,000 IN BOGUS
TAX REFUND CHECKS PLEADS GUILTY**

CAMDEN, N.J. – Maximo Diaz pleaded guilty today to conspiring to defraud the United States Department of the Treasury by filing phony tax returns which generated over \$200,000 in fraudulent income tax refund checks for himself and co-conspirators, United States Attorney Paul J. Fishman announced.

Diaz, 22, of Newark, New Jersey, pleaded guilty to a one-count Information before United States District Judge Jerome B. Simandle in Camden federal court.

According to the Information and statements made in court:

Beginning in July 2007, Diaz and his co-conspirators submitted false individual income tax returns to the Internal Revenue Service using, among other things, fictitious names, employer information, and deductions, with the objective of generating tax refund checks issued by the United States Department of the Treasury. Many of the refund checks were mailed to fictitious names at actual addresses on United States Postal routes, including the routes assigned to Postal Service letter carriers Roberto Rivera and David Roman. Rivera and Roman were paid to collect the fraudulent tax refund checks and deliver them to other members of the conspiracy, including Diaz.

Diaz cashed the fraudulent tax refund checks with the aid of another co-conspirator, Diana Nunez – an employee of Valley National Bank's Passaic, New Jersey branch. In approximately two months, Diaz and his co-conspirators cashed approximately 37 fraudulent or stolen tax refund checks totaling nearly \$241,000.

Rivera pleaded guilty to the conspiracy and was sentenced on April 16, 2010, by Judge Simandle to a year and a day in prison. Nunez pleaded guilty and was sentenced on April 26, 2010, by Judge Simandle to 3 months in prison. The case against Roman remains pending.

At his sentencing on the conspiracy charge, Diaz faces a maximum of 10 years in prison and a maximum fine of \$250,000, or twice the gain or loss from the offense. Sentencing is scheduled for September 10, 2010.

In determining the actual sentence, Judge Simandle will consult the advisory United States Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other

factors. The Judge, however, is not bound by those guidelines in determining a sentence. Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Fishman credited the Department of the Treasury, Office of the Inspector General for Tax Administration; the United States Postal Inspection Service; the Social Security Administration, Office of the Inspector General; and the Internal Revenue Service, Criminal Investigations with the investigation leading to today's guilty plea.

This case is being prosecuted by Assistant U.S. Attorney Lee Vartan of the U.S. Attorney's Office Criminal Division.

As for the charge and allegations contained in the Complaint charging Roman are merely accusations, and the defendant remains innocent unless and until proven guilty.

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Defense counsel: Frank Sciro, Esq., Patterson, New Jersey